

House File 589 - Introduced

HOUSE FILE 589
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 106)

A BILL FOR

1 An Act relating to the confidentiality of certain juvenile
2 court records.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 232.147, subsections 1, 2, 3, and 8, Code
2 2015, are amended to read as follows:

3 1. Juvenile court social records shall be confidential.
4 They shall not be inspected and their contents shall not be
5 disclosed except as provided in this section or as authorized
6 by other provisions in this chapter.

7 2. Official juvenile court records in cases alleging
8 delinquency, including complaints under section 232.28, shall
9 be public records, subject to the following restrictions:

10 a. Records containing a dismissal of a complaint or an
11 information adjustment of a complaint when no petition is filed
12 relating to the complaint, shall not be available to the public
13 and may only be inspected by or disclosed to the following:

14 (1) The judge and professional court staff, including
15 juvenile court officers.

16 (2) The child's counsel or guardian ad litem.

17 (3) The county attorney and county attorney's assistants.

18 (4) The superintendent or the superintendent's designee of
19 the school district for the school attended by the child or
20 the authorities in charge of an accredited nonpublic school
21 attended by the child.

22 (5) A member of the armed forces of the United States.

23 (6) The statistical analysis center for the purposes stated
24 in section 216A.136.

25 ~~a.~~ b. Official juvenile court records containing a petition
26 or complaint alleging delinquency filed prior to January 1,
27 2007, shall be public records subject to a confidentiality
28 order under section 232.149A or sealing under section 232.150.

29 ~~b.~~ c. Official juvenile court records containing a petition
30 or complaint alleging delinquency filed on or after January
31 1, 2007, shall be public records subject to a confidentiality
32 order under section 232.149A or sealing under section 232.150.

33 The official records shall not be available to the public
34 or any governmental agency through the internet or in an
35 electronic customized data report unless the child has been

1 adjudicated delinquent. However, the following shall have
2 access to official juvenile court records through the internet
3 or in an electronic customized data report prior to the child
4 being adjudicated delinquent:

5 (1) The judge and professional court staff, including
6 juvenile court officers.

7 (2) The child's counsel or guardian ad litem.

8 (3) The county attorney and the county attorney's
9 assistants.

10 (4) A court, court professional staff, and adult probation
11 officers in connection with the preparation of a presentence
12 report concerning a person who prior thereto had been the
13 subject of a juvenile court proceeding.

14 (5) A state or local law enforcement agency.

15 (6) The state public defender.

16 (7) The division of criminal and juvenile justice planning
17 of the department of human rights.

18 ~~e.~~ d. If the court has excluded the public from a hearing
19 under division II of this chapter, the transcript of the
20 proceedings shall not be deemed a public record and inspection
21 and disclosure of the contents of the transcript shall not be
22 permitted except pursuant to court order or unless otherwise
23 provided in this chapter.

24 ~~d.~~ e. Complaints under section 232.28 shall be released in
25 accordance with section 915.25. Other official juvenile court
26 records may be released under this section by a juvenile court
27 officer.

28 3. Official juvenile court records in all cases except
29 those alleging delinquency shall be confidential and are not
30 public records but may be inspected and their contents shall be
31 disclosed to the following without court order:

32 a. The judge and professional court staff, including
33 juvenile court officers.

34 b. The child and the child's counsel.

35 c. The child's parent, guardian or custodian, court

1 appointed special advocate, and guardian ad litem, and
2 the members of the child advocacy board created in section
3 237.16 or a local citizen foster care review board created in
4 accordance with section 237.19 who are assigning or reviewing
5 the child's case.

6 *d.* The county attorney and the county attorney's assistants.

7 *e.* An agency, association, facility or institution which has
8 custody of the child, or is legally responsible for the care,
9 treatment or supervision of the child.

10 *f.* A court, court professional staff, and adult probation
11 officers in connection with the preparation of a presentence
12 report concerning a person who prior thereto had been the
13 subject of a juvenile court proceeding.

14 *g.* The child's foster parent or an individual providing
15 preadoptive care to the child.

16 *h.* The state public defender.

17 8. All Subject to restrictions imposed by sections 232.48,
18 subsection 4, and 232.97, subsection 3, all juvenile court
19 records shall be made available for inspection and their
20 contents shall be disclosed to any party to the case and
21 the party's counsel and to any trial or appellate court in
22 connection with an appeal pursuant to division VI of this
23 chapter.

24 Sec. 2. Section 232.149, Code 2015, is amended by adding the
25 following new subsection:

26 NEW SUBSECTION. 2A. Records and files of a criminal or
27 juvenile justice agency concerning a defendant transferred
28 under section 803.6 to the juvenile court for the alleged
29 commission of a public offense are public records, except that
30 release of criminal history data, intelligence data, and law
31 enforcement investigatory files is subject to the provisions of
32 section 22.7 and chapter 692, and juvenile court social records
33 shall be deemed confidential criminal identification files
34 under section 22.7, subsection 9. The records are subject to
35 sealing under section 232.150.

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EXPLANATION

The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.

This bill relates to the confidentiality of juvenile court records.

The bill provides that juvenile court social records shall be confidential unless authorized by other provisions in Code chapter 232. "Juvenile court social records" are defined in Code section 232.2(31) to mean all records made with respect to a child in connection with proceedings over which the court has jurisdiction under this chapter other than official records and includes but is not limited to the records made and compiled by intake officers, predisposition reports, and reports of physical and mental examinations.

The bill provides that records containing a dismissal of a complaint or an adjustment of a complaint when no petition is filed relating to the complaint, shall not be available to the public and may only be disclosed to certain persons. The bill allows disclosure to the judge and professional court staff, the child's counsel or guardian ad litem, and the county attorney and assistant county attorneys. The bill also allows disclosure to a member of the armed forces of the United States, the statistical analysis center under Code section 216A.136, and the superintendent or the superintendent's designee of a school district where the child attends school or the authorities in charge of an accredited nonpublic school where the child attends school.

The bill provides that a predisposition investigation report shall only be disclosed pursuant to Code section 232.48(4) and a social investigation report shall only be disclosed pursuant to Code section 232.97(3).

The amendment to Code section 232.149 relates to the records and files of a defendant transferred to juvenile court from adult court under Code section 803.6 for the alleged commission of a public offense. The bill specifies that the records and

1 files of the defendant transferred from adult court to juvenile
2 court are public records except that criminal history data as
3 defined in Code section 692.1(5), intelligence data as defined
4 in Code section 692.1(14), and law enforcement investigatory
5 files are subject to the confidentiality provisions of Code
6 section 22.7 and Code chapter 692. The amendment to Code
7 section 232.149 further specifies that juvenile court social
8 records, as defined in Code section 232.2(31), shall be deemed
9 confidential criminal identification files under Code section
10 22.7(9), and that the records of a defendant transferred to
11 juvenile court may be sealed under Code section 232.150.